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Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
STATE OF CALIFORNIA

In the Matter of	)	FPPC No.: 98/384
	)	
	)	
DAVID P. GAROFALO and COMMITTEE TO	)	STIPULATION, DECISION AND
ELECT DAVE GAROFALO,	)	ORDER
	)	
	)	
Respondents.	)	

Complainant, Mark Krausse, Executive Director of the Fair Political Practices Commission, and Respondent David P. Garofalo and Respondent Committee to Elect Dave Garofalo, hereby agree that this Stipulation will be submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this matter, and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondents.

Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural rights set forth in sections 83115.5 and 11503 of the Government Code, and in section 18361 of Title 2 of the California Code of Regulations. This includes, but is not limited to, the right to personally appear at any administrative hearing held in this matter, to be represented by an attorney at Respondents' own expense, to confront and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to

1 testify at the hearing, and to have an impartial administrative law judge preside over the hearing as a  
2 hearing officer.

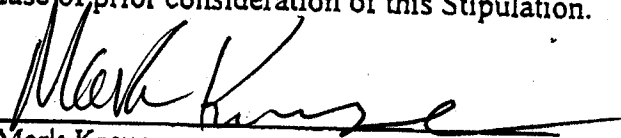
3 It is further stipulated and agreed that Respondent Garofalo violated the Political Reform Act by  
4 failing to disclose sources of income to his business on his assuming office statement of economic  
5 interests, and his 1995, 1996, 1997, 1998, 1999 and 2000 annual statements of economic interests, in  
6 violation of Government Code section 87207, subdivision (b)(2) (13 counts), by failing to disclose gifts  
7 on his 1997 and 1998 annual statements of economic interests, in violation of Government Code section  
8 87207, subdivision (a)(1) (3 counts), by accepting gifts in excess of the gift limit of \$290 during 1997  
9 and 1998, in violation of Government Code section 89503, subdivision (a) (3 counts), and by failing to  
10 disclose income from the sale of property on his 1997 annual statement of economic interests, in  
11 violation of Government Code section 87207, subdivision (a)(1) (1 count), as described in Exhibit 1,  
12 which is attached hereto and incorporated by reference, as though fully set forth herein. Exhibit 1 is a  
13 true and accurate summary of the facts in these matters.

14 It is further stipulated and agreed that Respondent Garofalo and Respondent Committee to Elect  
15 Dave Garofalo violated the Political Reform Act by failing to maintain required campaign records in  
16 violation of Government Code section 84104 (1 count), by failing to itemize an expenditure in violation  
17 of Government Code section 84211, subdivision (k) (1 count), by failing to disclose a miscellaneous  
18 receipt in violation of Government Code section 84211, subdivision (l) (1 count), and by failing to  
19 disclose subvendor information in violation Government Code section 84211, subdivision (k)(6) (1  
20 count), as described in Exhibit 1, which is attached hereto and incorporated by reference, as though fully  
21 set forth herein. Exhibit 1 is a true and accurate summary of the facts in these matters.

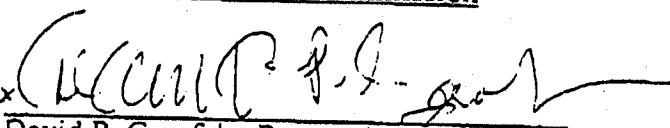
22 Respondents agree to the issuance of the Decision and Order, which is attached hereto.  
23 Respondents also agree to the Commission imposing upon them an administrative penalty in the amount  
24 of forty-seven thousand dollars (\$47,000). Payment of this penalty shall be made to the "General Fund  
25 of the State of California" in 90 equal payments of \$500. The payments shall be submitted to the  
26 Commission's Enforcement Division by the fifth day of each month, beginning February 5, 2002,  
27 through and including August 5, 2009, for a total of \$45,000. A cashier check in the amount of \$2,000,  
28 payable to the "General Fund of the State of California," is submitted with this Stipulation as partial

1 payment of the administrative penalty, and shall be held by the State of California until the Commission  
2 issues its Decision and Order regarding this matter. The parties agree that in the event the Commission  
3 refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days  
4 after the Commission meeting at which this Stipulation is rejected, all payments tendered by  
5 Respondents in connection with this Stipulation shall be reimbursed to Respondents. Respondents  
6 further stipulate and agree that in the event the Commission rejects the Stipulation, and a full evidentiary  
7 hearing before the Commission becomes necessary, neither any member of the Commission, nor the  
8 Executive Director, shall be disqualified because of prior consideration of this Stipulation.

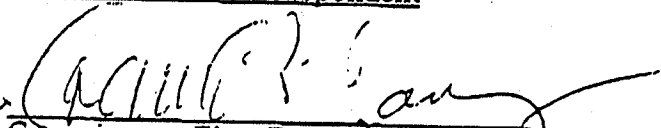
9  
10 Dated: 1/10/02

  
11 Mark Krausse  
12 Executive Director  
13 Fair Political Practices Commission

14 Dated: 1/10/02

  
15 David P. Garofalo, Respondent

16 Dated: 1/10/02

  
17 Committee to Elect Dave Garofalo, Respondent  
18 By: David P. Garofalo, Controlling Candidate

19 **DECISION AND ORDER**

20 The foregoing stipulation of the parties "In the Matter of David P. Garofalo, et al. FPPC No.  
21 98/384" including all attached exhibits, is hereby accepted as the final decision and order of the Fair  
22 Political Practices Commission, effective upon execution below by the Chairman.

23 IT IS SO ORDERED.24  
25 Dated: \_\_\_\_\_

26 Karen A. Getman, Chairman  
27 Fair Political Practices Commission  
28